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Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Albania, Andorra,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Croatia,* Cyprus,* Czech Republic,* Denmark,* Estonia,* Finland,* France, Georgia, Germany, Greece,* Hungary,* Iceland,* Ireland,* Italy,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Netherlands, Norway,* Poland,* Portugal, Republic of Moldova,* Romania,* Slovakia,* Slovenia, Spain,* Sweden,* the former Yugoslav Republic of Macedonia, Turkey,* United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution

31/... Situation of human rights in Myanmar

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming previous resolutions on the situation of human rights in Myanmar, the most recent being Human Rights Council resolutions 28/23 of 28 March 2015 and29/21 of 3 July 2015, and General Assembly resolution 70/233 of 23 December 2015,

Welcoming the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar and the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of her visit to the country from 3 to 7 August 2015, and the agreement to a visit in February 2016, which was subsequently postponed,

Recalling its resolution 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the continued positive developments in Myanmar towards political and economic reform, democratization, national reconciliation, good governance and the rule of law, and the efforts made to promote and protect human rights, and, while recognizing the scale of the reform effort undertaken to date, encourages the Government to take further steps to consolidate the progress made and to address outstanding issues;

* Non-member State of the Human Rights Council.

Please recycle

2. *Also welcomes* the peaceful and competitive conduct of the elections on 8 November 2015 and the efforts made towards ensuring a credible electoral process, while expressing concern over a number of shortcomings and the need for continued reforms to ensure that all the people of Myanmar, inclusive of religious and ethnic minorities, including the Rohingya minority, can participate in electoral processes and have their votes fully reflected in the overall composition of the Parliament;

3. *Further welcomes* the inauguration of the new Parliament on 1 February 2016, encourages the continued smooth and undisturbed transfer of power as significant steps towards democracy, and calls upon all actors to consolidate the democratic transition by bringing all national institutions, including the military, under a civilian government;

4. *Welcomes* the signing of the nationwide ceasefire agreement in October 2015, while calling for further steps towards national reconciliation, an end to violence and the pursuit of an inclusive and comprehensive national political dialogue, including efforts by the Government and the military to reach agreement with those ethnic groups that have not yet signed the ceasefire, and urging all actors to ensure effective participation of women, particularly from conflict-affected communities, in all decision-making and other activities with the objective of achieving lasting peace, and allow and facilitate rapid and unfettered humanitarian access to civilians in need throughout the country;

5. *Recalls* its serious concerns over human rights violations, including regarding the situation in Rakhine State and particularly with respect to persons belonging to religious and ethnic minorities, including the Rohingya minority, and urges the Government of Myanmar to repeal discriminatory legislative and policy measures, to lift restrictions on movement that impede access to health and education services, to intensify its efforts to address discrimination, to counter incitement to hatred and hate speech leading to violence, to promote equality, tolerance and peaceful coexistence in all sectors of society, and to address economic deprivation and displacement;

6. *Calls upon* the Government of Myanmar to take further steps to consolidate the progress made to end all remaining human rights violations, to protect the human rights of all, including of women, children and persons belonging to minorities, and to address outstanding concerns, in particular regarding the right to freedom of religion or belief and the right to freedom of expression, association and peaceful assembly, which are essential to ensure a safe and enabling environment, notably for civil society, journalists and human rights defenders who need to be recognized publicly for their instrumental role in the promotion and protection of human rights;

7. *Encourages* the Government of Myanmar to take further steps to strengthen democratic institutions, good governance and the rule of law, stresses the need for review and reform of legislation, including the Constitution, to ensure adherence with international norms and standards, and the need for a more independent, impartial and effective judiciary, and an independent and self-governing legal profession;

8. *Welcomes* the recent release of political prisoners, while urging the Government of Myanmar to fulfil its commitment to unconditionally release all political prisoners, in accordance with its obligation to ensure that no one remains in prison owing to his or her political beliefs or actions, including those recently detained or convicted, and to provide for the full rehabilitation of former political prisoners;

9. *Also welcomes* the recent steps towards the adherence to international human rights conventions, encourages the Government of Myanmar to actively consider the ratification of additional international human rights conventions and the optional protocols thereto, and calls for the full implementation of its obligations under international human rights law and international humanitarian law, as well as of other relevant agreements and commitments, including the commitment of the Government to open a country office of the

Office of the United Nations High Commissioner for Human Rights, with a full mandate and in accordance with the mandate of the High Commissioner;

10. *Calls upon* the international community to support the national efforts made by Myanmar and its institutions to strengthen the rule of law in the country, and to continue to support the Myanmar National Human Rights Commission, through technical assistance and capacity-building programmes, with a view to enabling it to contribute effectively to the promotion and protection of human rights, in accordance with the Paris Principles;

11. *Encourages* all business enterprises, including transnational corporations and domestic enterprises, to respect human rights in accordance with the Guiding Principles on Business and Human Rights, and calls upon the Government of Myanmar and the home States of business companies operating in Myanmar to fulfil their duty to respect and protect human rights;

12. *Welcomes* the cooperation of the Government of Myanmar with the International Labour Organization, encourages the continued implementation of the memorandum of understanding for the elimination of the use of forced labour in Myanmar and its associated action plan, and the supplementary understanding containing the forced labour complaints mechanism, also encourages further cooperation with the Office of the High Commissioner and with all United Nations special procedures, and invites the international community to further support the Government of Myanmar, including through technical assistance and capacity-building, in the fulfilment of its international human rights obligations and commitments, the advancement of democratization and its economic and social development;

13. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar for a further period of one year, requests the Special Rapporteur to submit a progress report to the General Assembly at its seventy-first session and to the Human Rights Council in accordance with its annual programme of work, and invites the Special Rapporteur to continue to monitor the situation of human rights, to measure progress in the implementation of the recommendations made by the Special Rapporteur, including those contained in her report submitted to the Council at its thirty-first session,[1] and to work with the Government of Myanmar to identify benchmarks for progress and priority areas for technical assistance and capacity-building;

14. *Welcomes* the ongoing cooperation with the Special Rapporteur, and calls upon the Government of Myanmar to continue its cooperation with the Special Rapporteur in the exercise of the mandate, including by facilitating further visits and access throughout the country;

15. *Requests* the Secretary-General and the High Commissioner to provide the Special Rapporteur with the assistance and resources necessary to enable her to discharge the mandate fully.

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[1] A/HRC/31/71.

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Human Rights Council
Thirty-first session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Bolivia (Plurinational State of), Cuba, Namibia, Pakistan* (on behalf of the Organization of Islamic Cooperation), Venezuela (Bolivarian Republic of): draft resolution

31/... Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolution 70/91 of 9 December 2015, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that it withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,[1] and in this connection deploring the Israeli settlements in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention

[1] A/70/406 and Corr.1.

Please recycle

relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of October 1973, and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and the Human Rights Council, the most recent being Council resolution 28/24 of 27 March 2015,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

2. *Also calls upon* Israel to desist from its continuous building of settlements, the most recent of which is the settlement campaign being conducted by the so-called Golan Regional Council under the slogan "Come to the Golan" and referred to as the "farms project", and to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;[1]

4. *Calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than 29 years, and to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, including the Knesset's decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of

the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Human Rights Council at its thirty-fourth session;

10. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its thirty-fourth session.

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Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Argentina,* Bolivia (Plurinational State of), Bulgaria,* China, Congo, Cuba, Cyprus,* Djibouti,* Ecuador, Egypt,* Georgia, Greece,* Indonesia, Italy,* Luxembourg,* Maldives, Mexico, Montenegro,* Nigeria, Paraguay, Philippines, Portugal, Republic of Moldova,* Romania,* Spain,* Thailand,* Tunisia,* Uganda,* Venezuela (Bolivarian Republic of), Viet Nam: draft resolution

31/... The right to work

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Economic, Social and Cultural Rights and other international human rights instruments relevant to the right to work,

Reaffirming also Human Rights Council resolution 28/15 of 26 March 2015 on the right to work,

Recalling General Assembly resolution 63/199 of 19 December 2008 entitled "International Labour Organization Declaration on Social Justice for a Fair Globalization" and Economic and Social Council resolutions 2007/2 of 17 July 2007 entitled "The role of the United Nations system in providing full and productive employment and decent work for all" and 2008/18 of 24 July 2008 entitled "Promoting full employment and decent work for all",

Recalling also the International Labour Organization Declaration on Fundamental Principles and Rights at Work and its follow-up, adopted by the International Labour Conference at its eighty-sixth session, on 18 June 1998, the Declaration on Social Justice for a Fair Globalization, adopted by the Conference at its ninety-seventh session, on 10 June 2008, the Global Jobs Pact, adopted by the Conference at its ninety-eighth session, on 19 June 2009, the resolution of the International Labour Organization on the follow-up to its Declaration on

* Non-member State of the Human Rights Council.

Please recycle

Fundamental Principles and Rights at Work, adopted by the Conference at its ninety-ninth session, on 15 June 2010, and the resolution concerning gender equality at the heart of decent work adopted by the General Conference of the International Labour Organization at its ninety-eighth session, on 17 June 2009,

Recognizing the primary role, mandate, expertise and specialization of the International Labour Organization within the United Nations system in relation to the promotion of decent work and full and productive employment for all, welcoming its initiatives and activities in this regard, including the Decent Work Agenda, and taking note of the recently launched centenary initiatives of the International Labour Organization on the future of work and on women at work,

Reaffirming that all human rights and civil, political, economic, social and cultural rights, including the right to development, are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Emphasizing that States should undertake to guarantee that the right to work is to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Emphasizing also that the right to work is not only essential for realizing other human rights but also an inseparable and inherent part of human dignity and is important to ensure the satisfaction of human needs and values that are central to a dignified life,

Recognizing that full and productive employment and decent work for all are key elements of poverty-reduction strategies that facilitate the achievement of the internationally agreed development goals, in particular the 2030 Agenda for Sustainable Development,[1] and that they require a multidimensional focus that incorporates Governments, the private sector, civil society organizations, representatives of employers and workers, international organizations and, in particular, the agencies of the United Nations system and the international financial institutions,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the realization of the right to work;[2]

2. *Reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right to work, which includes the right of everyone to the opportunity to gain his or her living by work which he or she freely chooses or accepts, and that States should take steps to achieve the full realization of that right, including technical and vocational guidance and training programmes, policies and techniques, to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding the fundamental political and economic freedoms of the individual;

3. *Also reaffirms*, as enshrined in the International Covenant on the Economic, Social and Cultural Rights, the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular, remuneration which provides all workers, as a minimum, with fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; a decent living for themselves and their families; safe and healthy working conditions; equal opportunity for everyone to be promoted in his or her employment to an appropriate higher level, subject to

[1] General Assembly resolution 70/1.
[2] A/HRC/31/32.

no considerations other than those of seniority and competence; and rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays;

4. *Further reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to work, including in particular the adoption of legislative measures;

5. *Recognizes* that ensuring equality and non-discrimination in access to work is crucial in addressing the social prejudices and disadvantages that might exist in the labour market and undermine equality and dignity;

6. *Stresses* that the freedom to work, which is included in the right to work, entails the right to pursue professional options under equal conditions without unjustified barriers;

7. *Also stresses* that States, as provided for by the relevant international legal instruments, should prohibit forced and compulsory labour and punish the use of it in all its forms;

8. *Emphasizes* that the right to work entails, inter alia, the right not to be deprived of work arbitrarily and unfairly and that States, in accordance with the relevant obligations in relation to the right to work, are required to put in place measures ensuring the protection of workers against unlawful dismissal;

9. *Underscores* the equal right of men and women to the enjoyment of all human rights, including the right to work, and that equal access to work is pivotal to the full enjoyment of all human rights by women, while recognizing that women are on many occasions subject to discrimination in the context of realizing their rights in that regard on an equal basis with men and are disproportionately exposed to the most precarious working conditions, including limited or no legal protection, lower levels of remuneration and involuntary temporary and part-time employment, and are disproportionately burdened with unpaid care work, which may constitute on many occasions a barrier to women's greater involvement in the labour market;

10. *Stresses* that States should take all appropriate measures to eliminate discrimination against women in the field of employment and to tackle any structural barrier to employment opportunities, such as in education, health, work and life balance and lack of maternity protection, in order to ensure, on a basis of equality of men and women, the same rights, including in particular the rights to work, the same employment opportunities, promotion, free choice of profession and employment, job security and all benefits and conditions of service, and the rights to receive vocational training and retraining, equal remuneration, equal treatment in respect to work of equal value, social security and protection of health and safety in working conditions;

11. *Recognizes* that progress has been made, yet is deeply concerned that many persons with disabilities in all regions continue to face significant obstacles in exercising their right to work on an equal basis with others and that persons with disabilities are frequently subject to less favourable conditions of pay, precarious work regimes and poor career prospects in a context of environmental, social and economic barriers in accessing work and within work, as well as in education and training, which results on many occasions in neglect of their potential and restrictions on opportunities to earn a living through their capabilities, and in this regard encourages States to take all appropriate measures to prohibit discrimination against persons with disabilities in all matters

concerning access to employment and job opportunities, including in relation to equal conditions of pay, hiring and career advancement;

12. *Underscores* the responsibility of the State to protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development;

13. *Expresses concern* that global unemployment stood at 197 million in 2015, representing an increase of nearly 1 million compared with the previous year and of about 27 million compared with 2007, and about the severe impact that the international economic and financial crisis has had in that regard, and notes with concern that the global level of women's participation in labour force is 27 per cent lower than that of men;

14. *Expresses deep concern* that, in 2015, approximately 71.3 million young people were unemployed and that the global youth unemployment rate is around 13.1 per cent, while the global employment rate for young women is 15 percentage points lower than that for young men, resolves in that regard to pay particular attention to the realization of the right to work for young people, bearing in mind the fundamental importance of equal opportunities, education and vocational training in the context of realizing that right, and emphasizes that full and productive employment for young people plays an important role in their empowerment and can contribute, inter alia, to the prevention of extremism, terrorism and social, economic and political instability;

15. *Stresses* that technical and vocational education and guidance are necessary measures for the realization of the right to work for all;

16. *Welcomes* the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[1] including, inter alia, its Goal 8, on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, and its targets;

17. *Recognizes* the fundamental importance of international cooperation, including through technical cooperation, capacity-building, exchange of relevant lessons learned and good practices, in advancing efforts towards the full realization of the right to work through full and productive employment and decent work for all;

18. *Calls upon* States to put in place comprehensive policies and to take the legislative and administrative measures necessary for the full realization of the right to work, including through considering to undertake policy commitments and measures to obtain full and productive employment and decent work for all, including through the establishment, where appropriate, of institutions for that purpose and by further strengthening tools such as job services and social dialogue mechanisms, while paying continuous attention to professional and technical training and initiatives to foster small and medium-sized enterprises and cooperatives;

19. *Recognizes* that employment should be a central objective of economic and social policies at the national, regional and international levels for the sustainable eradication of poverty and for providing an adequate standard of living, and emphasizes in that regard the importance of relevant social protection measures, including social protection floors;

20. *Highlights* the vital role of the private sector in generating new investments, job opportunities and financing for development and in advancing efforts towards the full realization of the right to work and the promotion of full and productive employment and decent work for all;

21. *Recognizes* the important contribution of workers' and employers' organizations in the area of full and productive employment and decent work for all;

22. *Underscores* that there is an urgent need to create an environment at the national and international levels that is conducive to the attainment of full and productive employment and decent work for all as a foundation for sustainable development and that an environment that supports investment, growth and entrepreneurship is essential to the creation of new job opportunities, and reaffirms that opportunities for men and women to obtain productive work in conditions of freedom, equity, security and human dignity are essential to ensuring the eradication of hunger and poverty, the improvement of economic and social well-being for all, the achievement of sustained, inclusive and sustainable economic growth and sustainable development of all nations and a fully inclusive and equitable globalization;

23. *Acknowledges* the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in relation to the right to work;

24. *Also acknowledges* the work of United Nations agencies, programmes and funds, in particular the International Labour Organization, in supporting the efforts of States to promote full and productive employment and decent work for all and the full realization of the right to work;

25. *Requests* the United Nations High Commissioner for Human Rights to prepare an analytical report in consultation with States, United Nations agencies, funds and programmes, particularly the International Labour Organization, as well as the treaty bodies, special procedures, civil society and other relevant stakeholders on the relationship between the realization of the right to work and the enjoyment of all human rights by women, with a particular emphasis on the empowerment of women, in accordance with States' respective obligations under international human rights law and the relevant major challenges and best practices in that regard, and to submit the report to the Human Rights Council prior to its thirty-fourth session;

26. *Decides* to remain seized of the matter.

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Human rights situations that require the Council's attention

Albania, Australia,* Belgium, Canada,* Croatia,* Cyprus,* Denmark,* France, Italy,* Netherlands, Norway,* Paraguay, Poland,* Portugal, Romania,* Slovakia,* Spain,* United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution

31/... Situation of human rights in South Sudan

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights treaties,

Emphasizing that States have the primary responsibility for the promotion and protection of human rights,

Recalling Human Rights Council resolution 29/13 of 2 July 2015, in which the Council requested the Office of the United Nations High Commissioner for Human Rights, inter alia, to undertake a comprehensive assessment of allegations of violations and abuses of human rights and to recommend appropriate follow-up action,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 18/17 of 29 September 2011, 21/28 of 28 September 2012, 23/24 of 14 June 2013 and 26/31 of 27 June 2014 on technical assistance and capacity-building for South Sudan in the field of human rights and the President's statement PRST 25/2 of 28 March 2014,

Recalling all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development,

Recalling also Security Council resolutions 1809 (2008) of 16 April 2008, 2033 (2012) of 12 January 2012, 2206 (2015) of 3 March 2015, 2223 (2015) of 28 May 2015, 2241 (2015) of 9 October 2015 and 2252 (2015) of 15 December 2015 and the statements by its President S/PRST/2014/16 of 8 August 2014, S/PRST/2014/26 of 15 December 2014 and S/PRST/2015/9 of 24 March 2015,

* Non-member State of the Human Rights Council.

Deeply concerned by the allegations of human rights violations and abuses in the reports of the Secretary-General on South Sudan, the reports of the United Nations Mission in South Sudan dated 21 February 2014, 8 May 2014, 19 December 2014, 9 January 2015 and 4 December 2015, and the report of the United Nations High Commissioner for Human Rights,[1]

Deeply concerned also about the prevailing situation in South Sudan, which is marked by the atrocities committed since the outbreak of violence in December 2013, acute food insecurity, a deepening economic crisis and the dire humanitarian crisis, producing mass displacements within South Sudan and outside the country, access restrictions and other impediments to humanitarian assistance, while commending humanitarian agencies for their continued assistance to the affected populations, and urging all actors concerned to cooperate fully with humanitarian agencies,

Noting with grave concern the conclusions of the United Nations Mission in South Sudan in its reports dated 8 May 2014 and 4 December 2015 that the violations and abuses of human rights and the violations of international humanitarian law that have been committed may constitute war crimes and crimes against humanity,

Gravely concerned about the increase in sexual and gender-based violence and instances of conflict-related rape and gang rape, coupled with beating and abductions, as reported by the Secretary-General to the Security Council in February 2016,[2]

Expressing grave concern at the new trend of wholesale destruction of villages, indiscriminate targeting of civilians and health-care facilities, attacks on places of worship, the attack on the protection-of-civilians site of the United Nations Mission in South Sudan in Malakal, the continued obstruction and extortion of humanitarian assistance convoys and the wholesale looting and destruction of humanitarian compounds in the Greater Pibor Administrative Area, Unity and Upper Nile States and Juba,

Condemning in the strongest terms the violence which erupted in the protection-of-civilians site of the United Nations Mission in South Sudan in Malakal on 17 and 18 February 2016, and emphasizing the inviolability and sanctity of the United Nations compound,

Underlining that attacks against civilians and United Nations premises may constitute war crimes,

Expressing concern that civilians who sought safety in the protection-of-civilians site of the United Nations Mission in South Sudan have been attacked, killed, traumatized and displaced, and that serious damage was caused to the entire site, including to medical clinics and schools, which were burned down and destroyed,

Recalling that the protection of civilians in South Sudan is a responsibility of the Government of South Sudan,

Urging all parties to the conflict in South Sudan to protect civilians and allow safe and immediate humanitarian access,

Emphasizing that mediation can play an important role in the peaceful settlement of disputes, conflict resolution and prevention, including the prevention of human rights violations and abuses,

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[1] A/HRC/31/49 and A/HRC/31 CRP.5.

[2] S/2016/138.

Expressing particular concern at the reduction of democratic space in South Sudan, including through the heightened restrictions on freedom of expression, peaceful assembly and association, including attacks on journalists and media workers, and limitations on the operations of civil society and the media, and in this regard noting with concern that the recently signed bills on non-governmental organizations and the Relief and Rehabilitation Commission could disrupt international and national non-governmental organizations, including those that provide ongoing humanitarian assistance, and stressing the responsibilities of a transitional Government of national unity to address these issues in accordance with the Agreement on the Resolution of the Conflict in the Republic of South Sudan,

Welcoming the signing of the Agreement and the leading role that the Intergovernmental Authority on Development played to mediate the Agreement, and calling on all parties to fully implement the Agreement and abide by the ceasefire,

Welcoming also the report of the African Union commission of inquiry on South Sudan, and emphasizing its hope that this and other credible reports will be considered by any transitional justice mechanisms for South Sudan, including those provided for in the Agreement,

Recognizing that accountability and transitional justice can be important elements in a national reconciliation process and in implementing the Agreement, including by addressing issues of reparation, truth-seeking and non-recurrence,

Welcoming the African Union Peace and Security Council communiqué of 26 September 2015, which, inter alia, reaffirmed the commitment of the African Union to combating impunity, reiterated condemnation of the violence and abuses committed by armed actors in South Sudan, agreed to the establishment of an independent hybrid court and supported the establishment of a commission for truth, reconciliation and healing consistent with the Agreement and, in this regard, inviting the Chairperson of the African Union Commission to take all steps necessary to establish these bodies,

Underlining the role that domestic, regional and international accountability mechanisms can play in assisting South Sudan to ensure accountability,

Expressing concern that the situation in South Sudan continues to be characterized by impunity,

1. *Condemns* the ongoing human rights violations and abuses and violations of international humanitarian law in South Sudan, including those involving alleged targeted killings, ethnically targeted violence, rape and other forms of sexual and gender-based violence, the recruitment and use of children, arbitrary arrests and detention, alleged torture, arbitrary denial of humanitarian access and attacks on schools, places of worship, hospitals and United Nations and associated peacekeeping personnel, by all parties, also condemns the harassment and violence directed at civil society, humanitarian personnel and journalists, and emphasizes that those responsible for violations and abuses of human rights and violations of international humanitarian law must be held accountable;

2. *Demands* that all actors put a halt to all human rights violations and abuses and all violations of international humanitarian law, and strongly calls upon the Government of South Sudan, as well as the transitional Government of national unity, once formed, to ensure the protection and promotion of human rights and fundamental freedoms;

3. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights assessment team dated 11 March 2016 and takes note of the recommendations contained therein;

4. *Also welcomes* the signing, under the auspices of the Intergovernmental Authority on Development, of the Agreement on the Resolution of the Conflict in the Republic of South Sudan;

5. *Further welcomes* the establishment of the Joint Monitoring and Evaluation Commission and the appointment of the former President of Botswana, Festus Mogae, as its Chair;

6. *Recognizes* the important role of the Joint Monitoring and Evaluation Commission in monitoring and overseeing implementation of the Agreement and its ceasefire provisions, and urges all parties and international partners to constructively engage with the Commission and other bodies created by the Agreement;

7. *Welcomes* the African Union Peace and Security Council communiqué of 26 September 2015, which, inter alia, reaffirmed the commitment of the African Union to combating impunity and reiterated its condemnation of the violence and abuses committed by armed actors in South Sudan;

8. *Calls upon* all local, regional and international partners to collaborate with and support the processes aimed at achieving the implementation of a sustainable peace;

9. *Urges* the speedy formation of an inclusive transitional Government of national unity to ensure full implementation of the Agreement, and stresses that perpetrators of violations of international humanitarian law, human rights violations and abuses, including any that amount to war crimes or crimes against humanity, should be held accountable;

10. *Recognizes* the important contribution of the Joint Monitoring and Evaluation Commission in working with the parties towards the establishment of a transitional Government of national unity and urges continued support from all relevant domestic and international stakeholders for their efforts;

11. *Calls upon* the Government of South Sudan, as well as the transitional Government of national unity, once formed, to investigate all human rights violations and abuses and violations of international humanitarian law, and to hold those responsible to account, while affording fair trial protections to the accused and supporting victims and protecting potential witnesses, before, during and after legal proceedings;

12. *Urges* the Government of South Sudan, as well as the transitional Government of national unity, once formed, to take steps immediately to protect the rights to freedom of expression, peaceful assembly and association in accordance with its international human rights obligations and to, among other things, ensure that members of civil society organizations and the media can operate freely and without intimidation;

13. *Strongly urges* all parties to end and prevent human rights violations and abuses committed against children, and calls upon all parties to end immediately the unlawful recruitment of children and to release all children that have been unlawfully recruited to date;

14. *Recognizes* the important role that women play in building peace, calls for the protection and promotion of the rights of women, their empowerment and participation in peacebuilding, conflict resolution and post-conflict processes, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, including Council resolution 2242 (2015) of 13 October 2015;

15. *Supports* the establishment of transitional justice institutions, including an independent hybrid court and a commission for truth, reconciliation and healing, consistent with the Agreement, and in this regard calls for the establishment of these bodies without delay and calls upon all parties to fully cooperate with them;

16. *Expresses serious concern* about the lack of progress made by the Government of South Sudan in improving the promotion and protection of human rights, especially in the areas outlined in paragraphs 14 and 15 of Human Rights Council resolution 29/13;

17. *Calls upon* the Government of South Sudan to cooperate fully and constructively with the Office of the United Nations High Commissioner for Human Rights and the United Nations Mission in South Sudan, as well as regional, subregional, and international mechanisms on the ground;

18. *Establishes* a Special Rapporteur, for a period of 30 months, with the following mandate:

(*a*) To monitor and report on the situation of human rights in South Sudan and make recommendations for its improvement, including with a view to bringing perpetrators of violations and abuses to justice;

(*b*) To assess and verify past reports on the situation of human rights between December 2013 and June 2016 in order to establish a factual basis for transitional justice and reconciliation;

(*c*) To provide guidance on transitional justice, accountability and reconciliation issues, as appropriate, and, once the transitional Government of national unity is fully formed, operational and commits to ending the violence against the civilian population and to cooperating with the hybrid court for South Sudan, to make recommendations on technical assistance to the transitional Government of national unity to support transitional justice, accountability and reconciliation;

(*d*) To engage with other international and regional mechanisms, including the United Nations, the United Nations Mission in South Sudan, the African Union, the Joint Monitoring and Evaluation Commission Chair, the African Commission on Human and Peoples' Rights and civil society, with a view to providing support to national, regional and international efforts to promote accountability for human rights violations and abuses;

19. *Requests* that representatives of the Office of the United Nations High Commissioner for Human Rights, the African Union, the Joint Monitoring and Evaluation Commission and the United Nations Mission in South Sudan be invited to discuss the human rights situation in South Sudan and steps taken by the Government to ensure accountability for human rights violations and abuses in an enhanced interactive dialogue at the thirty-second session of the Human Rights Council;

20. *Requests* the Special Rapporteur to present a comprehensive written report, in an interactive dialogue, to the Human Rights Council at its thirty-fourth and thirty-seventh sessions;

21. *Requests* that the reports of the Special Rapporteur be shared with relevant international and regional bodies;

22. *Decides* to remain seized of the matter.

United Nations A/HRC/31/L.34

General Assembly

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Human Rights Council
Thirty-first session
Agenda item 9
Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Australia,* Pakistan* (on behalf of the Organization of Islamic Cooperation), Turkey:* draft resolution

31/... Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief

The Human Rights Council,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

Reaffirming also Human Rights Council resolutions 16/18 of 24 March 2011, 19/25 of 23 March 2012, 22/31 of 22 March 2013, 25/34 of 28 March 2014 and 28/29 of 27 March 2015, as well as General Assembly resolutions 66/167 of 19 December 2011, 67/178 of 20 December 2012, 68/169 of 18 December 2013, 69/174 of 18 December 2014 and 70/157 of 17 December 2015,

Reaffirming further the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming that the International Covenant on Civil and Political Rights provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of his or her choice and freedom, either individually or in community with others and in public or private, to manifest his or her religion or belief in worship, observance, practice and teaching,

Reaffirming also the positive role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance, and also that the

* Non-member State of the Human Rights Council.

exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights,

Expressing deep concern at those acts that advocate religious hatred and thereby undermine the spirit of tolerance,

Reaffirming that terrorism, in all its forms and manifestations, cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming also that violence can never be an acceptable response to acts of intolerance on the basis of religion or belief,

Reaffirming further the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

Reaffirming the positive role of human rights education and training in promoting tolerance, non-discrimination and equality,

Deeply concerned about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world,

Deploring any advocacy of discrimination or violence on the basis of religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, as well as any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Noting with deep concern the instances of intolerance, discrimination and acts of violence in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Expressing concern at the growing manifestation of intolerance based on religion or belief that can generate hatred and violence among individuals from and within different nations that may have serious implications at the national, regional and international levels, and in this regard emphasizing the importance of respect for religious and cultural diversity as well as interfaith and intercultural dialogue aimed at promoting a culture of tolerance and respect among individuals, societies and nations,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

Recognizing also that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts and expand human rights education are an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

Taking note of General Assembly resolution 68/127 on a world against violence and violent extremism, adopted by the Assembly by consensus on 18 December 2013, and welcoming the leading role of the United Nations Educational, Scientific and Cultural Organization in promoting intercultural dialogue, the work of the United Nations Alliance

of Civilizations and the Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures, as well as the work of the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural dialogue in Vienna, and Assembly resolution 65/5 of 20 October 2010 on World Interfaith Harmony Week, proposed by King Abdullah II of Jordan,

Welcoming in this regard all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, including the launching of the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, and taking note of the recent initiative of the chairmanship of Albania of the Committee of Ministers of the Council of Europe under the theme "United in diversity" and the initiative of the Office of the United Nations High Commissioner for Human Rights on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, as well as programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses its concern* that incidents of religious intolerance, discrimination and related violence, as well as of negative stereotyping of individuals on the basis of religion or belief, continue to rise around the world, condemns in this context any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution, consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns deeply* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

4. *Welcomes* international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, in particular the series of experts' meetings held in Washington, D.C., London, Geneva, Doha and Jeddah, in the framework of the Istanbul Process to discuss the implementation of Human Rights Council resolution 16/18;

5. *Notes* the efforts of the Office of the United Nations High Commissioner for Human Rights and the holding of four regional workshops, in Austria, Chile, Kenya and Thailand, on separate but related issues, as well as the final workshop in Morocco and its outcome document, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and the recommendations and conclusions contained therein;

6. *Recognizes* that the open, public debate of ideas, as well as interfaith and intercultural dialogue, at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and convinced that continuing dialogue on these issues can help to overcome existing misperceptions;

7. *Notes* the speech given by Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council, and draws on his call on States to take the following actions to foster a domestic environment of religious tolerance, peace and respect by:

(*a*) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(*b*) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(*c*) Encouraging the training of government officials in effective outreach strategies;

(*d*) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter these causes;

(*e*) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(*f*) Adopting measures to criminalize incitement to imminent violence based on religion or belief;

(*g*) Understanding the need to combat denigration and negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, region and international levels through, inter alia, education and awareness-building;

(*h*) Recognizing that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

8. *Calls upon* all States:

(*a*) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against an individual on the basis of religion or belief;

(*b*) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion, and to contribute openly and on an equal footing to society;

(*c*) To encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;

(*d*) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

9. *Encourages* States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the High Commissioner;

10. *Calls upon* States to adopt measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

11. *Takes note* of the report submitted by the High Commissioner pursuant to Human Rights Council resolution 25/34 summarizing contributions received from States, and also takes note of the conclusions of the report based on those contributions;

12. *Stresses* the urgent need to implement all parts of the action plan outlined in paragraphs 7 and 8 above with equal focus and attention in order to address religious intolerance;

13. *Requests* the High Commissioner to prepare and submit to the Human Rights Council at its thirty-fourth session a comprehensive follow-up report with elaborated conclusions based upon information provided by States on the efforts and measures taken for the implementation of the action plan outlined in paragraphs 7 and 8 above, as well as views on potential follow-up measures for further improvement of the implementation of that plan;

14. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs.

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Human Rights Council
Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Brazil,* Bulgaria,* Canada,* Croatia,* Cyprus,* Czech Republic,* Denmark,* Estonia,* Finland,* Georgia, Germany, Greece,* Hungary,* Iceland,* Ireland,* Israel,* Italy,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Netherlands, Norway,* Peru,* Poland,* Portugal, Republic of Moldova,* Romania,* San Marino,* Serbia,* Slovakia,* Slovenia, Spain,* Sweden,* the former Yugoslav Republic of Macedonia, Turkey,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, United States of America,* Uruguay:* draft resolution

31/... Freedom of religion or belief

The Human Rights Council,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant human rights provisions,

Recalling further Human Rights Council resolution 28/18 of 27 March 2015, and other resolutions adopted by the Council, the General Assembly and the Commission on Human Rights on the freedom of religion or belief or the elimination of all forms of intolerance and of discrimination based on religion or belief,

Recalling Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Noting with appreciation the conclusions and recommendations of the expert workshops organized by the Office of the United Nations High Commissioner for Human Rights and contained in the Rabat Plan of Action on the prohibition of advocacy of national, racial and religious hatred that constitutes incitement to discrimination, hostility or violence, adopted in Rabat on 5 October 2012,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

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Recalling that States have the primary responsibility to promote and protect human rights, including the human rights of persons belonging to religious minorities, including their right to exercise their religion or belief freely,

Deeply concerned at continuing acts of intolerance and violence based on religion or belief against individuals, including persons belonging to religious communities and religious minorities around the world,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of and its respect for diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Stresses* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or not to have, or to adopt, a religion or belief of one's choice and the freedom, either alone or in community with others and in public or private, and to manifest one's religion or belief in teaching, practice, worship and observance, including the right to change one's religion or belief;

2. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses also the role that these rights can play in the fight against all forms of intolerance and discrimination based on religion or belief;

3. *Expresses deep concern* at emerging obstacles to the enjoyment of the right to freedom of religion or belief, as well as instances of religious intolerance, discrimination and violence, inter alia:

(*a*) The increasing number of acts of violence directed against individuals, including persons belonging to religious minorities in various parts of the world;

(*b*) The rise of religious extremism in various parts of the world that affects the rights of individuals, including persons belonging to religious minorities;

(*c*) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by derogatory stereotyping, negative profiling and the stigmatization of individuals on the basis of their religion or belief;

(*d*) Instances, both in law and in practice, that constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights and other international instruments;

(*e*) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all, without distinction;

(*f*) Attacks on religious places, sites and shrines and vandalism of cemeteries, in violation of international law, in particular international human rights law and international humanitarian law;

4. *Condemns* all forms of violence, intolerance and discrimination based on or in the name of religion or belief, and violations of the freedom of thought, conscience, religion or belief, as well as any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

5. *Also condemns* violence and acts of terrorism, which are increasing in number and targeting individuals, including persons belonging to religious minorities across the world;

6. *Emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences for the enjoyment of the right to freedom of religion or belief of all members of the religious community concerned;

7. *Also emphasizes* that States should exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

8. *Strongly encourages* government representatives and leaders in all sectors of society and respective communities to speak out against acts of intolerance and violence based on religion or belief;

9. *Urges* States to step up their efforts to promote and protect freedom of thought, conscience and religion or belief, and to this end:

(*a*) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all, without distinction, by, inter alia, the provision of access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief, or the right to freely practise one's religion, including the right to change one's religion or belief, is violated;

(*b*) To implement all accepted universal periodic review recommendations relating to the promotion and protection of freedom of religion or belief;

(*c*) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief, and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account, and to bring to justice all perpetrators of violations of these rights;

(*d*) To end violations of the human rights of women, and to devote particular attention to abolishing practices and legislation that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(*e*) To ensure that no one is discriminated against on the basis of his or her religion or belief in their access to, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;

(*f*) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all individuals to manifest their religion or belief, either alone or in community with others and in public or private;

(*g*) To ensure that no official documents are withheld from the individual on the grounds of religion or belief, and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

(*h*) To ensure, in particular, the right of all individuals to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all individuals to seek, receive and impart information and ideas in these areas;

(*i*) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all individuals, including persons belonging to religious minorities, to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(*j*) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(*k*) To take all necessary and appropriate action, in conformity with international human rights obligations, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, and any advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence, with particular regard to persons belonging to religious minorities in all parts of the world;

(*l*) To promote, through the educational system and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in society at large, a wider knowledge of different religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

(*m*) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

10. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among individuals of, and within, different religions and beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and takes note with appreciation of different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

11. *Welcomes and encourages* the continuing efforts of all actors in society, including civil society organizations, religious communities, national human rights institutions, the media and other actors to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and also encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

12. *Calls upon* States to make use of the potential of education for the eradication of prejudices against and stereotypes of individuals on the basis of their religion or belief;

13. *Takes note* of the thematic report presented by the Special Rapporteur on the relationship between the right to freedom of religion or belief and the right to freedom of opinion and expression,[1] and the recommendations therein;

14. *Also takes note* of the work of the Special Rapporteur, and concludes that there is a need for the continued contribution of the Special Rapporteur to the promotion, protection and universal implementation of the right to freedom of religion or belief;

[1] A/HRC/31/18.

15. *Decides* to extend the mandate of the Special Rapporteur for a further period of three years, and invites the Special Rapporteur to discharge the mandate in accordance with paragraph 18 of Human Rights Council resolution 6/37;

16. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to his or her requests to visit their countries, and to provide him or her with all necessary information to enable him or her to fulfil the mandate even more effectively;

17. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial assistance necessary for the effective fulfilment of the mandate;

18. *Requests* the Special Rapporteur to report annually to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

19. *Decides* to remain seized of this question under the same agenda item and to continue its consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

United Nations A/HRC/31/L.36

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Human Rights Council
Thirty-first session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Algeria, Bahrain,* Bolivia (Plurinational State of), Chad,* Cuba, Ecuador, Egypt,* Guinea,* Kuwait* (on behalf of the Group of Arab States), Libya,* Namibia, Pakistan* (on behalf of the Organization of Islamic Cooperation), Sudan,* Switzerland, Venezuela (Bolivarian Republic of): draft resolution

31/... Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970, and affirming the inadmissibility of acquisition of territory resulting from the threat or use of force,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, in particular article 1 thereof, as well as by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights,[1] and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other relevant United Nations resolutions, including those adopted by the General Assembly, the Commission on Human Rights and

* Non-member State of the Human Rights Council.
[1] A/CONF.157/23.

the Human Rights Council, that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Taking note of General Assembly resolution 67/19 of 29 November 2012,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, and emphasizing that this jus cogens norm of international law is a basic prerequisite for achieving a just, lasting and comprehensive peace in the Middle East,

Deploring the plight of millions of Palestine refugees and displaced persons who have been uprooted from their homes,

Affirming the applicability of the principle of permanent sovereignty over natural resources to the Palestinian situation as an integral component of the right to self-determination,

Recalling the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the right to self-determination of the Palestinian people, which is a right erga omnes, is severely impeded by Israel, the occupying Power, through the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, which, together with the Israeli settlement enterprise and measures previously taken, results in serious violations of international humanitarian and human rights law, including forcible transfer of Palestinians and Israeli acquisition of Palestinian land,

Considering that the right to self-determination of the Palestinian people is being further violated by Israel through the existence and ongoing expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming that the United Nations will continue to be engaged on the question of Palestine until the question is resolved in all its aspects in accordance with international law,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and the right to their independent State of Palestine;

2. *Calls upon* Israel, the occupying Power, to end its occupation of the Occupied Palestinian Territory, including East Jerusalem, and reaffirms its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

3. *Expresses grave concern* at the fragmentation and the changes in the demographic composition of the Occupied Palestinian Territory, including East Jerusalem, which are resulting from Israel's continuing construction and expansion of settlements, forcible transfer of Palestinians and construction of the wall, stresses that this fragmentation, which undermines the possibility of the Palestinian people realizing their right to self-determination, is incompatible with the purposes and principles of the Charter of the United Nations, and emphasizes in this regard the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Confirms* that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of their national

development, the well-being of the Palestinian people and as part of the realization of their right to self-determination;

5. *Urges* all States to adopt measures as required to promote the realization of the right to self-determination of the Palestinian people, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of this right;

6. *Decides* to continue the consideration of this question at its thirty-fourth session.

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Human Rights Council
Thirty-first session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Algeria, Bahrain,* Bolivia (Plurinational State of), Chad,* Cuba, Ecuador, Egypt,* Guinea,* Kuwait* (on behalf of the Group of Arab States), Libya,* Namibia, Pakistan* (on behalf of the Organization of Islamic Cooperation), Sudan,* Venezuela (Bolivarian Republic of): draft resolution

31/... Human rights situation in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Recalling also relevant resolutions of the Human Rights Council,

Taking note of the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and of other relevant recent reports of the Human Rights Council,

Noting the recent accession by Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

Deploring Israel's recurrent practice of withholding Palestinian tax revenues,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

* Non-member State of the Human Rights Council.

Please recycle

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads, the wall and other measures that are tantamount to de facto annexation of Palestinian land,

Emphasizing the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Reaffirming that all States have the right and the duty to take actions in conformity with international human rights law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,

Also stressing the importance of accountability in preventing future conflicts and ensuring that there is no impunity for violations and abuses, thereby contributing to peace efforts and avoiding the recurrence of violations of international law, including international humanitarian law and international human rights law,

Expressing grave concern about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children and women, as well as to non-violent, peaceful demonstrators and to journalists, including through the use of live ammunition; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the destruction of property and infrastructure; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned in this regard by the ongoing demolition of Palestinian homes by Israel, the occupying Power, in particular in Occupied East Jerusalem, including when carried out as an act of collective punishment in violation of international humanitarian law, and by the revocation of residence permits and the eviction of Palestinian residents of the city,

Deploring the conflict in and around the Gaza Strip in July and August 2014 and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and elderly persons, the widespread destruction of thousands of homes and of civilian infrastructure, including schools, hospitals, water sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and any violations of international law, including humanitarian and human rights law, in this regard,

Gravely concerned in particular about the disastrous humanitarian situation and the critical socioeconomic and security situations in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and from the continuing and vastly negative repercussions of the military operations between December 2008 and January 2009, in November 2012 and in July and August 2014, as well as about the firing of rockets into Israel,

Stressing that the situation in the Gaza Strip is unsustainable and that a durable ceasefire agreement must lead to a fundamental improvement in the living conditions of the Palestinian people in the Gaza Strip, including through the sustained and regular opening of crossing points, and ensure the safety and well-being of civilians on both sides,

Affirming the need to support the Palestinian national consensus government in its assumption of full government responsibilities in both the West Bank and the Gaza Strip, in all fields, and through its presence at Gaza crossing points,

Expressing deep concern about the short- and long-term detrimental impact of such widespread destruction and the continued impediments to the reconstruction process on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population, and calling upon the international community to step up its efforts in order to provide the Gaza Strip with the assistance that it requires,

Stressing the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, taking into account Israeli concerns,

Stressing the need also for all parties, in conformity with the relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel, and the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons,

Expressing deep concern at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only, and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, and deeply concerned also at the consequent violation of the human rights of the Palestinian people and the negative impact on their socioeconomic situation and the efforts aimed at rehabilitating and developing the Palestinian economy,

Convinced that the Israeli occupation has gravely impeded the efforts to achieve sustainable development and a sound economic environment in the Occupied Palestinian Territory, including East Jerusalem, and expressing grave concern about the consequent deterioration of economic and living conditions,

Deploring all policies and practices whereby Israeli settlers, who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

Emphasizing that the destruction of property and the forced displacement of Palestinian communities in the Occupied Palestinian Territory, including East Jerusalem, constitute, in all but the most limited cases as specified under international law, violations of the prohibitions on destruction of property and forcible transfer, respectively, under articles 53 and 49 of the Fourth Geneva Convention,

Deeply concerned at reports of the hampering and destruction of humanitarian assistance by Israel, contributing to a coercive environment that can lead to the forcible transfer of Palestinian civilians in the Occupied Palestinian Territory,

Expressing deep concern that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including, inter alia, unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also about the ill-treatment and harassment of any Palestinian prisoner and all reports of torture,

Expressing deep concern also about the recent hunger strikes by numerous Palestinian prisoners in protest at the harsh conditions of their imprisonment and detention by the occupying Power, while taking note of the agreement reached in May 2012 on conditions of detention in Israeli prisons and calling for its full and immediate implementation,

Recalling the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and calling for respect for those rules,

Expressing concern about the possible consequences of the enactment by Israel, the occupying Power, of military orders regarding the detention, imprisonment and deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached and, in this regard, recalling the positive contribution of the Temporary International Presence in Hebron,

Recognizing the continued efforts and tangible progress made in the Palestinian security sector, noting the continued cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

Emphasizing the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Stresses* the need for Israel, the occupying Power, to withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

2. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

3. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Calls for* urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of international humanitarian law and as called for by the Security Council in its resolution 904 (1994) of 18 March 1994;

5. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

6. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

7. *Also reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate access of medical supplies and medical practitioners to all areas under occupation, including the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

8. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic sustainability and development throughout Gaza, and, in this regard, calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

9. *Expresses grave concern* at the confiscation and damage by Israel of fishing nets in the Gaza Strip for which there is no discernible security justification;

10. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, where bombardment of populated areas has caused extensive loss of life and a vast number of injuries, including among thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, and United Nations facilities, and agricultural lands, and large-scale

internal displacement of civilians, as well as the excessive use of force by the Israeli occupying forces against Palestinian civilians in the context of peaceful protests in the West Bank;

11. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

12. *Calls upon* Israel to cease all violations of the right to education of Palestinians, including those stemming from restrictions on movement and incidents of harassment and attacks on school children and educational facilities by Israeli settlers and as a result of Israeli military action;

13. *Also calls upon* Israel to end all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies, and underscores the need to investigate all such acts, to ensure accountability and effective remedies, and to take steps to prevent any further such threats, attacks, reprisals or acts of intimidation;

14. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, and also expresses its concern at the continued extensive use of administrative detention, calls for a full implementation of the agreement reached in May 2012 for a prompt and independent investigation into all cases of death custody, and also calls upon Israel to release all Palestinian prisoners detained in violation of international law;

15. *Calls for* urgent attention to the plight and the rights, in accordance with international law, of Palestinian prisoners and detainees in Israeli jails, and calls for respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

16. *Calls upon* Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment;

17. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

18. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

19. *Deplores* Israel's resumption of the policy of punitive home demolitions and the ongoing policy of revoking the residency permits of Palestinians living in East Jerusalem through various discriminatory laws, and the demolition of residential structures and the forced eviction of Palestinian families, in violation of their basic right to adequate housing and in violation of international humanitarian law;

20. *Expresses concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between Israeli citizens and persons residing in the Occupied Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

21. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

22. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded in General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

23. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings and to ensure adequate housing and legal security of tenure;

24. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

25. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including home demolitions, evictions of Palestinian residents, excavations in and around religious and historic sites, and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the territory as a whole;

26. *Expresses grave concern* at:

(*a*) The restrictions imposed by Israel that impede access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include guarantees for non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites;

(*b*) The increasing tensions in occupied East Jerusalem and the wider region, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

27. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

28. *Emphasizes* the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

29. *Deplores* the persistent non-cooperation of Israel with special procedures mandate holders and other United Nations mechanisms, and stresses the need for Israel to abide by all relevant United Nations resolutions and to cooperate with the Human Rights Council, all special procedures and the Office of the United Nations High Commissioner for Human Rights;

30. *Requests* the Secretary-General to place the presence of the Office of the High Commissioner in the Occupied Palestinian Territory on a firmer basis under the regular budget including by, inter alia, deploying the necessary personnel and expertise;

31. *Also requests* the Secretary-General to report on the implementation of the present resolution to the Human Rights Council, with a particular focus on the recurrence and persistence of human rights violations and the underlying policies leading to such patterns, including those involving forcible displacement, at its thirty-fourth session;

32. *Decides* to remain seized of the matter.

United Nations A/HRC/31/L.38

General Assembly

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Human Rights Council
Thirty-first session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Algeria, Bahrain,* Bolivia (Plurinational State of), Chad,* Cuba, Ecuador, Egypt,* Guinea,* Kuwait* (on behalf of the Group of Arab States), Libya,* Pakistan* (on behalf of the Organization of Islamic Cooperation), Sudan,* Venezuela (Bolivarian Republic of): draft resolution

31/... Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the relevant rules and principles of international law, including international humanitarian law and human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

Recalling also the Universal Declaration of Human Rights and the other human rights covenants, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,

Recalling further the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014 by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, aimed at ensuring respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,[1]

Recalling its relevant resolutions, including resolutions S-9/1 of 12 January 2009, 19/17 of 22 March 2012 and S-21/1 of 23 July 2014,

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* Non-member State of the Human Rights Council.
[1] See A/69/711-S/2015/1, annex.

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Expressing its appreciation to the independent commission of inquiry on the 2014 Gaza conflict, and all other relevant United Nations mechanisms, as well as the treaty bodies and other United Nations bodies, for their reports,

Affirming the obligation of all parties to respect international humanitarian law and international human rights law,

Emphasizing the importance of the safety and well-being of all civilians, reaffirming the obligation to ensure the protection of civilians in armed conflict, and deploring the civilian deaths that resulted from the conflict in and around the Gaza Strip in, inter alia, July and August 2014, including the killing of 1,462 Palestinian civilians, including 551 children and 299 women, and six Israeli civilians,

Gravely concerned by reports regarding serious human rights violations and grave breaches of international humanitarian law, including possible war crimes, including the findings of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, of the United Nations independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, of the independent commission of inquiry on the 2014 Gaza conflict and of the boards of nquiry convened by the Secretary-General,

Condemning all violations of human rights and international humanitarian law, and appalled at the widespread and unprecedented levels of destruction, death and human suffering caused in the Occupied Palestinian Territory, including East Jerusalem,

Stressing the urgency of achieving without delay an end to the Israeli occupation that began in 1967,

Deploring the non-cooperation by Israel with all Human Rights Council fact-finding missions and the independent commission of inquiry on the 2014 Gaza conflict, and its refusal to grant access to and cooperate with international human rights bodies and a number of United Nations special procedures seeking to investigate alleged violations of international law in the Occupied Palestinian Territory, including East Jerusalem,

Regretting the lack of implementation of the recommendations contained in the reports of the independent commission of inquiry on the 2014 Gaza conflict, the United Nations independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and the United Nations Fact-Finding Mission on the Gaza Conflict, which follows a pattern of lack of implementation of recommendations made by United Nations mechanisms and bodies,

Alarmed that long-standing systemic impunity for international law violations has allowed for the recurrence of grave violations without consequence, and stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to end impunity, ensure justice, deter further violations, protect civilians and promote peace,

Regretting the lack of progress in the conduct of domestic investigations in accordance with international law standards, and aware of the existence of numerous legal, procedural and practical obstacles in the Israeli civil and criminal legal system contributing to the denial of the right of Palestinian victims to effective judicial remedy,

Emphasizing the need for States to investigate grave breaches of the Geneva Conventions of 1949, to end impunity, to uphold their obligations to ensure respect, and to promote international accountability,

Noting the accession by Palestine on 2 January 2015 to the Rome Statute of the International Criminal Court,

1. *Welcomes* the report of the independent commission of inquiry on the 2014 Gaza conflict;[2]

2. *Calls upon* all duty bearers and United Nations bodies to pursue the implementation of the recommendations contained in the reports of the independent commission of inquiry on the 2014 Gaza conflict, the United Nations independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and the United Nations Fact-Finding Mission on the Gaza Conflict, in accordance with their respective mandates;

3. *Notes* the importance of the work of the independent commission of inquiry on the 2014 Gaza conflict, the United Nations independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and the United Nations Fact-Finding Mission on the Gaza Conflict and the information collected regarding grave violations in support of future accountability efforts, in particular, information on alleged perpetrators of violations of international law;

4. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law and international human rights law are held to account through appropriate fair and independent national or international criminal justice mechanisms, and to ensure the provision of effective remedy to all victims, including full reparations, and stresses the need to pursue practical steps towards these goals;

5. *Calls upon* the parties concerned to cooperate fully with the preliminary examination of the International Criminal Court and with any subsequent investigation that may be opened;

6. *Calls upon* all States to promote compliance with international law, and all High Contracting Parties to the Fourth Geneva Convention to respect, and to ensure respect for, international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, in accordance with article 1 common to the Geneva Conventions, and to fulfil their obligations under articles 146, 147 and 148 of the said Convention with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties;

7. *Recommends* that the General Assembly remain apprised of the matter until it is satisfied that appropriate action with regard to implementing the recommendations made by the United Nations Fact-Finding Mission on the Gaza Conflict in its report has been or is being taken at the national or international levels to ensure justice for victims and accountability for perpetrators;

8. *Requests* the High Commissioner to conduct a comprehensive review detailing the status of implementation of the recommendations addressed to all parties since 2009 by the relevant Human Rights Council mechanisms, namely previous fact-finding missions, the commission of inquiry and special procedures, as well as by United Nations treaty bodies, by the Office of the High Commissioner and by the Secretary-General in his reports to the Human Rights Council, and to identify patterns of non-compliance, non-implementation and non-cooperation, to propose follow-up measures to ensure implementation, and to present a report to the Council at its thirty-fifth session;

[2] A/HRC/29/52.

9. *Requests* the High Commissioner to present an oral update on the progress of the above-mentioned review to the Human Rights Council at its thirty-fourth session;

10. *Decides* to remain seized of the matter.

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Human Rights Council
Thirty-first session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Algeria, Bahrain,* Bolivia (Plurinational State of), Chad,* Cuba, Djibouti,* Ecuador, Egypt,* Guinea,* Kuwait* (on behalf of the Group of Arab States), Libya,* Namibia, Pakistan* (on behalf of the Organization of Islamic Cooperation), Sudan,* Venezuela (Bolivarian Republic of): draft resolution

31/... Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

Recalling also Human Rights Council resolution 19/17 of 22 March 2012, in which the Council decided to establish an independent international fact-finding mission to investigate the implications of the Israeli settlements on the human rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, and recalling the declarations adopted at the Conferences of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001 and 17 December 2014,

* Non-member State of the Human Rights Council.

Noting the recent accession by Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

Affirming that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the four Geneva Conventions,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting that the International Court of Justice concluded that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, had been established in breach of international law,

Taking note of the recent relevant reports of the Secretary-General, the Office of the United Nations High Commissioner for Human Rights, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the treaty bodies monitoring compliance with the human rights treaties to which Israel is a party, as well as the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

Recalling the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[1]

Noting that Israel has over the years been planning, implementing, supporting and encouraging the establishment and expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, through, inter alia, the granting of benefits and incentives to settlements and settlers,

Recalling the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

Taking note of General Assembly resolution 67/19 of 29 November 2012, by which, inter alia, Palestine was accorded the status of non-member observer State in the United Nations, and taking note of the follow-up report thereon of the Secretary-General,

Aware that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forcible displacement of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the conduct of economic activity for the benefit of the occupying Power, the disruption of the livelihood of protected persons, the de facto annexation of land and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

[1] A/HRC/22/63.

Affirming that the Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, undermine regional and international efforts aimed at the realization of the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders, and stressing that the continuation of these policies seriously endangers the viability of the two-State solution, undermining the physical possibility for its realization,

Noting in this regard that the Israeli settlements fragment the West Bank, including East Jerusalem, into isolated geographical units, severely limiting the possibility of a contiguous territory and the ability to dispose freely of natural resources, both of which are required for the meaningful exercise of Palestinian self-determination,

Noting that the settlement enterprise and the impunity associated with its existence, expansion and related violence continue to be a root cause of many violations of the Palestinians' human rights, and constitute the main factors perpetuating Israel's belligerent occupation of the Palestinian Territory, including East Jerusalem, since 1967,

Condemning the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map, and in defiance of the calls by the international community to cease all settlement activities,

Expressing grave concern in particular at the construction and expansion by Israel of settlements in and around occupied East Jerusalem, including its so-called E-1 plan, which aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley,

Expressing grave concern at the continuing construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, in violation of international law, and expressing its concern in particular at the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline in socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudge future negotiations by creating a fait accompli on the ground that could be tantamount to de facto annexation in departure from the Armistice Line of 1949, and make the two-State solution physically impossible to implement,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned at all acts of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers and groups of armed settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including homes, agricultural lands and historic and religious sites, and the acts of terror carried out by several extremist Israeli settlers, which are a long-standing phenomenon aimed at, inter alia, displacing the occupied population and facilitating the expansion of settlements,

Expressing concern at ongoing impunity for acts of settler violence against Palestinian civilians and their properties, and stressing the need for Israel to investigate and to ensure accountability for all of these acts,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced

diversion of water resources, including the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic consequences in this regard, which precludes the Palestinian people from being able to exercise permanent sovereignty over their natural resources,

Noting that the agricultural sector, considered the cornerstone of Palestinian economic development, has not been able to play its strategic role because of the dispossession of land and the denial of access for farmers to agricultural areas, water resources and domestic and external markets owing to the construction, consolidation and expansion of Israeli settlements,

Recalling Human Rights Council resolution 22/29 of 22 March 2013, in follow-up to the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

Recalling also the Guiding Principles on Business and Human Rights, which place responsibilities on all business enterprises to respect human rights by, inter alia, refraining from contributing to human rights abuses arising from conflict, and call upon States to provide adequate assistance to business enterprises to assess and address the heightened risks of abuses in conflict-affected areas, including by ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses,

Noting that, in situations of armed conflict, business enterprises should respect the standards of international humanitarian law, and concerned that some business enterprises have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the Israeli settlements in the Occupied Palestinian Territory,

Reaffirming the fact that the High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War undertook to respect and to ensure respect for the Convention in all circumstances, and that States should not recognize an unlawful situation arising from breaches of peremptory norms of international law,

Calling upon all States not to provide Israel with any assistance to be used specifically in connection with settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan,

Emphasizing the importance for States to act in accordance with their own national legislation on promoting compliance with international humanitarian law with regard to business activities that result in human rights abuses,

Concerned that economic activities facilitate the expansion and entrenchment of settlements, and aware that the conditions of harvesting and production for products made in settlements involve the breach of applicable legal norms, inter alia, the exploitation of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and calling upon all States to respect their legal obligations in this regard,

Aware that products wholly or partially produced in settlements have been labelled as originating from Israel,

Aware also of the role of private individuals, associations and charities in third States that are involved in providing funding to Israeli settlements and settlement-based entities, contributing to the maintenance and expansion of settlements,

Expressing its concern at the failure of Israel, the occupying Power, to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, to abide scrupulously by the provisions of the Convention, in particular article 49 thereof, and to comply with all its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan;

3. *Demands* that Israel, the occupying Power, immediately cease all settlement activities in all the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 1515 (2003) of 19 November 2003;

4. *Also demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

5. *Condemns* the continuing settlement and related activities by Israel, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion and displacement of Palestinians, including entire communities and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 thereof;

6. *Also condemns* the construction of new housing units for Israeli settlers in the West Bank and around occupied East Jerusalem, as it seriously undermines the peace process and jeopardizes the ongoing efforts by the international community to reach a final and just peace solution compliant with international law and legitimacy, including relevant United Nations resolutions, and constitutes a threat to the two-State solution;

7. *Expresses its grave concern* at, and calls for the cessation of:

(*a*) The operation by Israel of a tramway linking the settlements with West Jerusalem, which is in clear violation of international law and relevant United Nations resolutions;

(*b*) The expropriation of Palestinian land, the demolition of Palestinian homes, demolition orders, forced evictions and "relocation" plans, the obstruction and destruction of humanitarian assistance and the creation of unbearable living conditions by Israel in areas identified for the expansion and construction of settlements, and other practices aimed at the forcible transfer of the Palestinian civilian population, including Bedouin communities and herders, and further settlement activities, including the denial of access to water and other basic services by Israel to Palestinians in the Occupied Palestinian Territory, including East Jerusalem, particularly in areas slated for settlement expansion, and including the appropriation of Palestinian property through, inter alia, declarations of

so-called "State lands", closed "military zones", "national parks" and "archaeological" sites to facilitate and advance the expansion or construction of settlements and related infrastructure, in violation of Israel's obligations under international humanitarian law and international human rights law;

(*c*) Israeli measures in the form of policies, laws and practices that have the effect of preventing Palestinians from full participation in the political, social, economic and cultural life of the Occupied Palestinian Territory, including East Jerusalem, and prevent their full development in both the West Bank and the Gaza Strip;

8. *Calls upon* Israel, the occupying Power:

(*a*) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards the dismantlement of the settlement enterprise, to stop immediately the expansion of existing settlements, including so-called natural growth and related activities, to prevent any new installation of settlers in the occupied territories, including in East Jerusalem, and to discard its "E-1" plan;

(*b*) To put an end to all of the human rights violations linked to the presence of settlements, especially of the right to self-determination, and to fulfil its international obligations to provide effective remedy for victims;

(*c*) To take immediate measures to prohibit and eradicate all policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem, by, inter alia, putting an end to the system of separate roads for the exclusive use of Israeli settlers, who reside illegally in the said territory, to the complex combination of movement restrictions consisting of the wall, roadblocks and a permit regime that only affects the Palestinian population, the application of a two-tier legal system that has facilitated the establishment and consolidation of the settlements, and other violations and forms of discrimination;

(*d*) To cease the requisition and all other forms of unlawful appropriation of Palestinian land, including so-called "State land", and its allocation for the establishment and expansion of settlements, and to halt the granting of benefits and incentives to settlements and settlers;

(*e*) To put an end to all measures and policies resulting in the territorial fragmentation of the Occupied Palestinian Territory, including East Jerusalem, and which are isolating Palestinian communities into separate enclaves and changing the demographic composition of the Occupied Palestinian Territory;

(*f*) To take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of ensuring full accountability for, and preventing, all acts of violence by Israeli settlers, and to take other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

(*g*) To bring a halt to all actions, including those perpetrated by Israeli settlers, harming the environment, including the dumping of all kinds of waste materials in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian populations;

(*h*) To cease the exploitation, damage, cause of loss or depletion and endangerment of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

9. *Welcomes* the adoption of the European Union Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the European Union from 2014 onwards;

10. *Encourages* all States and international organizations to continue to actively pursue policies that ensure respect of their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlements;

11. *Reminds* all States of their legal obligations as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, including not to recognize the illegal situation resulting from the construction of the wall, not to render aid or assistance in maintaining the situation created by such construction, and to ensure compliance by Israel with international humanitarian law as embodied in the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;

12. *Urges* all States:

(*a*) To ensure that they are not taking actions that either recognize or assist the expansion of settlements or construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, including with regard to the issue of trading with settlements, consistent with their obligations under international law;

(*b*) To implement the Guiding Principles on Business and Human Rights in relation to the Occupied Palestinian Territory, including East Jerusalem, and to take appropriate measures to help ensure that businesses domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, refrain from committing or contributing to gross human rights abuses of Palestinians, in accordance with the expected standard of conduct in the Guiding Principles and relevant international laws and standards, by taking all necessary steps;

(*c*) To provide guidance to individuals and businesses on the financial, reputational and legal risks, including the possibility of liability for corporate involvement in gross human rights abuses, and abuses of the rights of individuals, of becoming involved in settlement-related activities, including through financial transactions, investments, purchases, procurements, loans and the provision of services, and other economic and financial activities in or benefiting Israeli settlements, to inform businesses of these risks in the formulation of their national action plans for the implementation of the Guiding Principles on Business and Human Rights, and to ensure that their policies, legislation, regulations and enforcement measures effectively address the heightened risks of operating a business in the Occupied Palestinian Territory, including East Jerusalem;

(*d*) To increase monitoring of settler violence with a view to promoting accountability;

13. *Calls upon* business enterprises to take all measures necessary to comply with the Guiding Principles on Business and Human Rights and relevant international laws and standards with respect to their activities in or in relation to the Israeli settlements and the wall in the Occupied Palestinian Territory, including East Jerusalem, to avoid the adverse impact of such activities on human rights and to avoid contributing to the establishment or maintenance of Israeli settlements or the exploitation of natural resources of the Occupied Palestinian Territory;

14. *Requests* that all parties concerned, including United Nations bodies, implement and ensure the implementation of the recommendations contained in the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the

Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and endorsed by the Human Rights Council through its resolution 22/29, in accordance with their respective mandates;

15. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011, on the Guiding Principles on Business and Human Rights and other relevant international laws and standards, and to ensure the implementation of the United Nations "Protect, Respect and Remedy" Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

16. *Takes note* of the statement of the Working Group on the issue of human rights and transnational corporations and other business enterprises in follow-up to Human Rights Council resolution 22/29;

17. *Requests* the United Nations High Commissioner for Human Rights, in close consultation with the Working Group on the issue of human rights and transnational corporations and other business enterprises, in follow-up to the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[2] and as a necessary step for the implementation of the recommendation contained in paragraph 117 thereof, to produce a database of all business enterprises involved in the activities detailed in paragraph 96 of the afore-mentioned report, to be updated annually, and to transmit the data therein in the form of a report to the Council at its thirty-fourth session;

18. *Requests* the Secretary-General to report on the implementation of the present resolution, with particular emphasis on the human rights and international law violations involved in the production of settlement goods and the relationship between trade in these goods and the maintenance and economic growth of settlements, at its thirty-fourth session;

19. *Decides* to remain seized of the matter.

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[2] A/HRC/22/63.

United Nations A/HRC/31/L.40

General Assembly

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22 March 2016
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Original: French

Human Rights Council
Thirty-first session
Agenda item 10
Technical assistance and capacity-building

Statement by the President

PRST 31/...
Situation of human rights in Haiti

At its ... meeting, held on ..., the President of the Human Rights Council read out the following statement:

"The Human Rights Council,

1. Thanks the Independent Expert for his report on the situation of human rights in Haiti and takes note of the latest legal and political developments in Haiti, in particular the following:

(*a*) The presentation to the executive branch, on 14 October 2015, of the preliminary draft bill on the Code of Criminal Procedure by the members of the Presidential Commission on Justice Reform;

(*b*) The investiture, on 1 December 2015, of the members of the National Committee for the Fight against Human Trafficking;

(*c*) The holding of legislative and presidential elections, respectively in August and October 2015, and the initiation of the activities of the new Parliament in January 2016;

(*d*) The deferral of the second round of the presidential elections owing to concerns about the electoral process;

(*e*) The signing, on 6 February 2016, of a political agreement between the executive branch and the presiding officers of the two chambers of the Parliament with regard to moving forward with the electoral process and to institutional continuity;

(*f*) The election, on 14 February 2016, of an interim President in accordance with the terms of that agreement;

(*g*) The appointment by decree, on 25 February 2016, of the Head of the Government, and the publication in the Official Gazette, on 4 March 2016, of the make-up of the cabinet of ministers;

(*h*) The announcement by the interim President, on 13 March 2016, of the composition of the nine-member Provisional Electoral Council, which includes three women and is pending confirmation by a presidential decree;

2. Welcomes the renewed commitment of Haiti to the effective implementation of the international human rights treaties to which Haiti is a party, with the consideration of its second and third periodic reports by the Committee on the Rights of the Child[1] in January 2016 and of its eighth and ninth periodic reports by the Committee on the Elimination of Discrimination against Women[2] in March 2016;

3. Encourages the Government of Haiti to continue to cooperate fully and effectively with the treaty bodies and to submit its pending reports to said bodies as appropriate;

4. Also encourages the Government of Haiti to ratify the pending Conventions during the fiftieth legislature and to follow up the draft Criminal Code and draft Code of Criminal Procedure, which underpin the reform and modernization of the judicial system;

5. Welcomes the reaffirmation of the commitment of the Haitian authorities to improve the living conditions of Haitian women and men by, inter alia, devoting greater attention to respect for human rights, and in that regard is concerned by the fact that some challenges remain in the human rights sphere and that further progress needs to be made;

6. Also welcomes the political agreement concluded on 6 February 2016 to prevent the creation of an institutional vacuum, and calls upon the country's political stakeholders to respect the terms of that agreement within the time frames indicated in order to take forward the electoral process launched in August 2015, the completion of which will help to restore constitutional order in Haiti;

7. Urges the Government of Haiti, in this context, to continue strengthening the rule of law by, inter alia, combating impunity and corruption and tackling crime and its causes, and strongly encourages the Government to continue building the capacity of the national police force and the judicial and penitentiary system with a view to ensuring the proper functioning of public institutions and services and the enjoyment of all human rights;

8. Encourages the Government of Haiti to strengthen national human rights institutions, in particular the Office of the Ombudsman, and to provide it with adequate resources;

9. Strongly encourages the Government of Haiti to continue to adopt the necessary political and legal measures to safeguard the rights of members of vulnerable groups, including child domestic workers, and to accord special attention to the situation of persons who lack identity documents;

10. Also strongly encourages the Government of Haiti to increase women's participation in political affairs and to continue to combat gender-based violence and discrimination;

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[1] CRC/C/HTI/2-3.

[2] CEDAW/C/HTI/8-9.

11. Acknowledges that the full enjoyment of all civil, political, economic, social and cultural human rights constitutes a factor conducive to peace, stability and development in Haiti;

12. Encourages the international community as a whole and, in particular, international donors, the Group of Latin American and Caribbean States, the group of countries known as the Friends of Haiti and the specialized bodies of the United Nations, in particular the Office of the United Nations High Commissioner for Human Rights, to step up their cooperation and coordination efforts with the Haitian authorities with a view to the full realization of all human rights in Haiti;

13. Welcomes and approves the request of the Haitian authorities for a one-year extension of the mandate of the Independent Expert on the situation of human rights in Haiti, within the framework of technical assistance and capacity-building;

14. Encourages the Independent Expert to continue to work with international bodies, including the United Nations Stabilization Mission in Haiti, donors and the international community to raise their awareness of the need to provide their expertise and sufficient resources to support the efforts of the Haitian authorities to rebuild the country and pursue sustainable development;

15. Also encourages the Independent Expert to continue to work with the Government of Haiti, civil society and non-governmental organizations in Haiti, and invites the Government to continue its active cooperation with civil society;

16. Invites the Independent Expert to assist the Government of Haiti in implementing his own recommendations and those made by other special procedures;

17. Also invites the Independent Expert to present to the Council, at its thirty-fourth session, a report on the situation of human rights in Haiti, and further invites him to undertake a mission to Haiti and to report on that mission to the Council at its thirty-fourth session."

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Human Rights Council
Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

China, Cuba, Egypt,* Iran (Islamic Republic of),* Pakistan,* Russian Federation: amendment to draft resolution A/HRC/31/L.28

31/... Protecting human rights defenders addressing economic, social and cultural rights

The title of the draft resolution *should read*

Protecting individuals, groups and organs of society engaged in the promotion and protection of human rights, in particular those addressing economic, social and cultural rights

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* Non-member State of the Human Rights Council.

GE.16-04602(E)

Please recycle

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China, Cuba, Egypt,* Pakistan,* Russian Federation: amendment to draft resolution A/HRC/31/L.28

31/... Protecting human rights defenders addressing economic, social and cultural rights

Delete the third and fourth preambular paragraphs, and insert a new paragraph *reading*

Recalling General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and all previous General Assembly and Human Rights Council resolutions on this subject,

* Non-member State of the Human Rights Council.

Please recycle

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China, Cuba, Egypt,* Iran (Islamic Republic of),* Pakistan,* Russian Federation: amendment to draft resolution A/HRC/31/L.28

31/... Protecting human rights defenders addressing economic, social and cultural rights

The fifth preambular paragraph *should read*

Reaffirming the importance of the implementation of the Declaration, and that promoting respect, support and protection for the activities of individuals, groups and organs of society engaged in the promotion and protection of human rights is essential to the overall enjoyment of human rights,

* Non-member State of the Human Rights Council.

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China, Cuba, Egypt,* Pakistan,* Russian Federation: amendment to draft resolution A/HRC/31/L.28

31/... Protecting human rights defenders addressing economic, social and cultural rights

Delete the eighth preambular paragraph

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* Non-member State of the Human Rights Council.

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China, Cuba, Egypt,* Iran (Islamic Republic of),* Pakistan,* Russian Federation: amendment to draft resolution A/HRC/31/L.28

31/... Protecting human rights defenders addressing economic, social and cultural rights

The thirteenth preambular paragraph *should read*

Recognizing the important role of individuals, groups and organs of society engaged in the promotion and protection of human rights in promoting and advocating the realization of all economic, social and cultural rights, including by engaging with Governments and contributing to the efforts in the implementation of the obligations of States in this regard, and welcoming the steps taken by some States towards adopting national policies and legislation that create favourable working conditions and an enabling environment for those individuals, groups and organs of society who are engaged in promotion and protection of human,

* Non-member State of the Human Rights Council.

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China, Cuba, Egypt,* Pakistan,* Russian Federation: amendment to draft resolution A/HRC/31/L.28

31/... Protecting human rights defenders addressing economic, social and cultural rights

The fifteenth preambular paragraph *should read*

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement, and in order to bring to an end all forms of discrimination and oppression wherever they occur, and welcoming also the work of individuals, groups and organs of society who are engaged in promotion and protection of human rights in that regard,

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* Non-member State of the Human Rights Council.

GE.16-04615(E)

Please recycle

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

China, Cuba, Egypt,* Pakistan,* Russian Federation: amendment to draft resolution A/HRC/31/L.28

31/... Protecting human rights defenders addressing economic, social and cultural rights

The sixteenth preambular paragraph *should read*

Mindful that domestic law and administrative provisions and their application should not hinder but enable the work of individuals, groups and organs of society engaged in the promotion and protection of human rights, including by avoiding any criminalization or stigmatization of their lawful activities and important role and that of the communities of which they are a part or on whose behalf they work, as well as by avoiding impediments, obstructions, restrictions or selective enforcement thereof contrary to States' obligations under international human rights law,

* Non-member State of the Human Rights Council.

GE.16-04616(E)

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China, Cuba, Egypt,* Pakistan,* Russian Federation: amendment to draft resolution A/HRC/31/L.28

31/... Protecting human rights defenders addressing economic, social and cultural rights

The eighteenth preambular paragraph *should read*

Recognizing, as appropriate, the urgent need to address, and to take necessary steps to prevent and stop, the use of legislation that, where it exists, hinders or limits unduly the ability of individuals, groups and organs of society engaged in the promotion and protection of universally recognized human rights and fundamental freedoms to exercise their work, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with the obligations of the State under international human rights law,

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* Non-member State of the Human Rights Council.

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China, Cuba, Egypt,* Pakistan,* Russian Federation: amendment to draft resolution A/HRC/31/L.28

31/... Protecting human rights defenders addressing economic, social and cultural rights

The twentieth preambular paragraph *should read*

Underscoring the importance of access to information, as appropriate, and of the effective participation of individuals, groups and organs of society engaged in the promotion and protection of human rights in consultations, decision-making processes and, where relevant, implementation efforts related to legislation, policies, programmes and projects, with a view to mainstreaming, promoting and protecting human rights,

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* Non-member State of the Human Rights Council.

Please recycle

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Human Rights Council
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

China, Cuba, Egypt,* Pakistan,* Russian Federation: amendment to draft resolution A/HRC/31/L.28

31/... Protecting human rights defenders addressing economic, social and cultural rights

The twenty-first preambular paragraph *should read*

Expressing grave concern at the serious nature of risks faced by individuals, groups and organs of society engaged in the promotion and protection of human rights, including threats, attacks and acts of intimidation and reprisal against them in different parts of the world, and gravely concerned about the resulting negative impact on the realization of economic, social and cultural rights, including violations and abuses in this regard,

* Non-member State of the Human Rights Council.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

China, Cuba, Egypt,* Iran (Islamic Republic of),* Pakistan,* Russian Federation: amendment to draft resolution A/HRC/31/L.28

31/... Protecting human rights defenders addressing economic, social and cultural rights

The twenty-second preambular paragraph *should read*

Noting with grave concern the observations of its relevant special procedures, that individuals, groups and organs of society engaged in environmental and land issues and corporate responsibility, as well as those working on governance issues, promoting transparency and accountability, and those exposing discrimination, corruption and violence at the hands of States, business enterprises and other non-State actors are among the most exposed and at risk, and the practice of enforced disappearance is often used to repress and intimidate them and to prevent others from claiming and exercising their economic, social and cultural rights,

* Non-member State of the Human Rights Council.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

China, Cuba, Egypt,* Pakistan,* Russian Federation: amendment to draft resolution A/HRC/31/L.28

31/... Protecting human rights defenders addressing economic, social and cultural rights

Paragraph 1 *should read*

1. *Stresses* that the right of everyone, individually and in association with others, to promote and strive for the protection and realization of all human rights and fundamental freedoms, as laid out in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, without retaliation or fear thereof is an essential element in building and maintaining sustainable, open and democratic societies, and reaffirms the urgent need to respect, protect, promote and facilitate the work of those defending economic, social and cultural rights as a vital factor contributing towards the realization of those rights, including as they relate to environmental and land issues, as well as development;

* Non-member State of the Human Rights Council.

GE.16-04626(E)

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

China, Cuba, Egypt,* Pakistan,* Russian Federation: amendment to draft resolution A/HRC/31/L.28

31/... Protecting human rights defenders addressing economic, social and cultural rights

Paragraph 2 *should read*

2. *Calls upon* all States to take all measures necessary to ensure the rights and safety of individuals, groups and organs of society engaged in the promotion and protection of human rights, including those working towards the realization of economic, social and cultural rights and who, in so doing, exercise other human rights, such as the rights to freedom of opinion, expression, peaceful assembly and association, to participate in public affairs and to have access to justice, while emphasizing that everyone shall respect the human rights of others;

* Non-member State of the Human Rights Council.

GE.16-04628(E)

Please recycle